

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
CASE NO. 3:20-cv-00451-CEA-DCP

SNMP RESEARCH, INC. and SNMP RESEARCH)
INTERNATIONAL, INC.,)
Plaintiffs,)
vs.)
BROADCOM INC., BROCADE COMMUNICATIONS)
SYSTEMS LLC, and EXTREME NETWORKS, INC.,)
Defendants.) VOLUME: I

) EXHIBITS: 53-103

VIDEOTAPED DEPOSITION OF EXTREME
NETWORKS, INC. BY MICHAEL J. FITZGERALD, called as
a witness by and on behalf of the Plaintiffs,
pursuant to the applicable provisions of the
Federal Rules of Civil Procedure, Rule 30(b)(6),
before P. Jodi Ohnemus, RPR, RMR, CRR, CA-CSR
#13192, NH-LSR #91, MA-CSR #123193, and Notary
Public, within and for the Commonwealth of
Massachusetts, at Sherin and Lodgen, 101 Federal
Street, Boston, Massachusetts, on Thursday,
February 1, 2024, commencing at 8:36 a.m.

PAGES: 1-287

PAGES 83-96 ARE MARKED CONFIDENTIAL AND
219-221 ARE MARKED HIGHLY CONFIDENTIAL

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4 (Via Videoconference)

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9 (Via Videoconference)

10 Jeffrey Case, PhD

11
12 Shawn Budd, Video Operator

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1 A. Nortel acquired Bay Networks. They 08:59:59
2 acquired the entire company. 09:00:01
3 Q. Yes. And so the E -- then did you work 09:00:02
4 with the ERS products at -- at Nortel Networks? 09:00:05
5 A. Again, in -- in an associated 09:00:08
6 responsibility. I never was directly responsible 09:00:12
7 for them, but I was responsible for product -- 09:00:14
8 products in the network portfolio that were 09:00:18
9 related -- that were used in conjunction with the 09:00:20
10 ERS products. 09:00:23
11 Q. Okay. And did you work with SNMP Research 09:00:26
12 software when you were at Nortel Networks? 09:00:29
13 MR. PRABHAKAR: Objection. Form. 09:00:32
14 A. I never personally worked with SNMP 09:00:33
15 Research software. 09:00:36
16 Q. Were you familiar with SNMP Research 09:00:36
17 software when you were at Nortel Networks? 09:00:38
18 MR. PRABHAKAR: Objection. Form. 09:00:41
19 A. No. 09:00:47
20 Q. Okay. And, then, after Nortel you went to 09:00:51
21 Avaya; correct? 09:00:58
22 A. Avaya purchased the enterprise division 09:00:59
23 from Nortel in which the entire network and 09:01:03
24 portfolio was part of that, and I went with that 09:01:05
25 transition from Nortel to Avaya, yes. 09:01:07

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1 Q. Okay. And then when you were at Avaya 09:01:10
2 were you familiar with SNMP Research software 09:01:15
3 that's used in some of the Avaya products? 09:01:18
4 MR. PRABHAKAR: Objection. Form. 09:01:20
5 A. I was -- I became aware of it -- I became 09:01:21
6 aware of it at Avaya, yes. 09:01:30
7 Q. Okay. 09:01:32
8 A. Yeah. 09:01:32
9 Q. And the ERS products also transferred to 09:01:35
10 Avaya -- 09:01:38
11 A. Yes. 09:01:39
12 Q. -- when Avaya purchased the assets from 09:01:39
13 Nortel? 09:01:42
14 A. Yes. 09:01:42
15 Q. Okay. Now, what were your -- what were 09:01:49
16 your duties at Avaya? 09:01:52
17 MR. PRABHAKAR: Objection. Form. 09:01:55
18 A. Again, I'm just confirming the dates. 09:01:59
19 MR. PRABHAKAR: Let the record reflect the 09:02:05
20 witness is looking at Exhibit 54. 09:02:06
21 A. (Witness reviews document.) So product -- 09:02:13
22 product management. So at Avaya my role was 09:02:16
23 product management. 09:02:19
24 Q. What does a product manager do? 09:02:22
25 A. We're -- a product manager is responsible 09:02:28

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1 for defining products from the concept phase, 09:02:30
2 writing high-level requirements for a new product 09:02:32
3 or for an evolving product; working with 09:02:36
4 engineering and operations and finance and all 09:02:40
5 groups across the company to bring a product 09:02:45
6 through development to market; and then, once the 09:02:48
7 product's released, to manage that product and 09:02:51
8 market and, when necessary, bring the product to 09:02:54
9 end of sales, end of life, at the end of its 09:02:57
10 product life cycle. 09:02:59
11 Q. Okay. 09:03:00
12 A. So you could argue it's cradle to grave 09:03:00
13 ownership of a product set. 09:03:03
14 Q. And what -- what products were you the 09:03:07
15 product manager for at Avaya? 09:03:09
16 A. To the best of my recollection, the -- a 09:03:11
17 router portfolio, branded secure router. There 09:03:19
18 were other ancillary products in there that their 09:03:26
19 life cycles overlapped between Nortel and Avaya. 09:03:31
20 The VPN gateway was a product that I was 09:03:33
21 responsible for a period of time, VPN router was a 09:03:36
22 product that I was responsible for a period of 09:03:40
23 time. 09:03:42
24 Q. What was the name of the router portfolio 09:03:43
25 products? 09:03:45

1 MR. PRABHAKAR: Objection. 09:03:47

2 Q. The router portfolio, what were the brand 09:03:48

3 names for those products? 09:03:50

4 MR. PRABHAKAR: Same objection. 09:03:51

5 A. Secure router. 09:03:52

6 THE WITNESS: Oh, I'm sorry. 09:03:53

7 A. Secure router. 09:03:54

8 Q. Okay. So were you product manager for the 09:03:55

9 ERS products? 09:03:57

10 A. Not to any of my recollections, no. 09:04:00

11 Q. Okay. And then did Avaya sell products to 09:04:03

12 Extreme? 09:04:19

13 Did Avaya sell asset -- let me rephrase 09:04:23

14 that. 09:04:25

15 Did Avaya sell assets to Extreme? 09:04:26

16 MR. PRABHAKAR: Objection. Form. 09:04:28

17 A. So Avaya sold the networking product set 09:04:29

18 portfolio to Extreme Networks. 09:04:36

19 Q. Okay. And, then, did you -- is that the 09:04:36

20 point when you transferred over to Extreme? 09:04:42

21 A. Yes. 09:04:44

22 Q. Okay. And that transfer included the ERS 09:04:53

23 products -- 09:04:55

24 A. Yes. 09:04:56

25 Q. -- is that correct? 09:04:57

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1 Did you have any interaction with the 09:04:59
2 presence of SNMP Research software in the ERS 09:05:06
3 products as a part of that transition? 09:05:09
4 MR. PRABHAKAR: Objection. Vague as to 09:05:11
5 "presence." 09:05:14
6 A. Can you clarify? What do you mean by 09:05:17
7 involved during the transition? 09:05:20
8 Q. So you're aware SNMP Research software 09:05:24
9 was -- was present in the ERS products; correct? 09:05:29
10 A. Yes. 09:05:32
11 Q. Okay. And those ERS products were 09:05:34
12 transferred from Avaya to Extreme -- 09:05:36
13 A. Yes. 09:05:38
14 Q. -- right? 09:05:39
15 Were there any issues in the transfer from 09:05:43
16 Avaya to Extreme related to SNMP Research software? 09:05:46
17 Q. Of those products? 09:05:52
18 MR. PRABHAKAR: Apologies. So since we 09:05:53
19 seem to be off Exhibit 54, I'm going to object to 09:05:55
20 that on the grounds of scope and also vague as to 09:05:59
21 "issues." 09:06:03
22 A. To the best of my knowledge, no SNMP 09:06:06
23 Research software was acquired in the ERS portfolio 09:06:08
24 by Avaya -- by -- by Extreme Networks, nor was any 09:06:15
25 of the software that previously included SNMP 09:06:19

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1 Research in the ERS portfolio acquired by Extreme 09:06:23
2 Networks, posted by Extreme Networks, or used by 09:06:27
3 Extreme Networks at any time. 09:06:30
4 Q. Now, can you describe your duties at 09:06:38
5 Extreme today? 09:06:40
6 A. I have two roles: One is the -- I own the 09:06:44
7 optical portfolio that we described, which is 09:06:48
8 ownership of all products within that portfolio as 09:06:51
9 product manager with the roles that I described. 09:06:55
10 I also lead and manage virtually all 09:06:58
11 cross-functional major initiatives that require 09:07:04
12 product management interacting with other 09:07:07
13 organizations to define and execute new 09:07:10
14 initiatives, new strategies, and -- and 09:07:14
15 cross-functional, cross-organizational projects. 09:07:18
16 Q. Okay. 09:07:41
17 MR. WOOD: This will be Exhibit 55. 09:07:41
18 (Exhibit 55, email, 10/19/2022, 09:07:49
19 EXTREME-01081635-636.) 09:08:06
20 Q. Mr. Fitzgerald, do you recognize this 09:08:06
21 email? 09:08:08
22 A. (Witness reviews document.) I believe I 09:08:24
23 wrote it. Again -- 09:08:47
24 Q. Okay. 09:08:50
25 A. -- you've provided it to me, I'll assume 09:08:50

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